

Practitioner's Docket No 65446-0082

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

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| INTERNATIONAL APPLICATION NO. PCT/GB00/00573 | INTERNATIONAL FILING DATE 02/17/2000 | PRIORITY DATE CLAIMED 02/17/1999 |
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TITLE OF INVENTION

AN AUTOMATED SYSTEM FOR EXCISING PROTEINS FROM TWO-DIMENSIONAL ELECTROPHORESIS GELS

APPLICANT(S) FOR DO/US

PAUL T. RYAN, DAVID BYATT, KEVIN AUTON

Box PCT

Commissioner for Patents

Washington, D.C. 20231

ATTENTION: DO/US

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. SECTION 371**

(check and complete the following item, if applicable)

☒ This replies to the Notice of Missing Requirements under 35 U.S.C. Section 371 and 37 C.F.R. Section 1.494 (FORM PCT/DO/EO/905).

☐ A copy of FORM PCT/DO/EO/905 accompanies this response.

CERTIFICATION UNDER 37 C.F.R. Section 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date **January 17, 2002**, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL 862871389 US**, addressed to the Commissioner for Patents, Washington, D.C. 20231.

Wendy Balabon

(type or print name of person mailing paper)

Wendy Balabon

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. Section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US)
under 35 U.S.C. Section 371--page 1 of 6)

WARNING: *Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 20 months from the priority date, the application is still considered to be in the international stage. If mailing procedures are utilized to obtain a date, the express mad procedure of 37 CFR 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 CFR Section 1.8(2)(xi).*

NOTE: *Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. sectin 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111. 37 C.F.R. Section 1.494(f).*

DECLARATION OR OATH

I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: *For surcharge fee for filing declaration after filing date, complete item IV(2).*

NOTE: *Acceptable minimums in the declaration in an ordinarily files U.S. application for identification of the specification to which it applies are:*

- (A) *application number (consisting of the series code and the serial number, e.g., 08/123,456);*
 - (B) *serial number and filing date;*
 - (C) *attorney docket number which was on the specification as filed;*
 - (D) *title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration;*
 - (E) *title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*
- M.P.E.P. Section 601.01(a), 7th ed.*

NOTE: *Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. Section 1.10(c).*

NOTE: *37 C.F.R. Section 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."*

Attached is a

- (a) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.
- (c) ☒ Response to Notice to Filing Missing Parts of Non-Provisional Application Filed Under 37 CFR 1.53(b).
- (d) ☒ Petition Pursuant to 37 CFR 1.47 involving the Refusal of a Co-Inventor to Execute the Power of Attorney.
- (e) ☒ Declaration under 27 C.F.R. § 1.47 (with exhibits 1 and
(complete (a) or (b), if applicable)

AMENDMENT

II.

(complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. Section 1.121 is attached.
☐ The attached amendment cancels claims _____ inclusively.

**TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS**

III. ☐ Submitted herewith, is a English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. Section 1.494(b)(2)).

NOTE: For fee for processing a non-English application, and submission of an English translation later than 20 months after the priority date, complete item IV(3) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. Section 1.69(b).

FEES

IV.

NOTE: See 37 C.F.R. Section 1.28(a).

1. Fees for claims

- ☐ Each independent claim in excess of 3
(37 C.F.R Section 1.492(b) \$80.00; Small entity--\$40.00) \$ _____
☐ Each claim in excess of 20
(37 C.F.R Section 1.492(c) - \$18.00; small entity--\$9.00) \$ _____
☐ Multiple dependent claim(s)
(37 C.F.R Section 1.492(d) - \$270.00;
small entity--\$135.00) \$ _____

2. Surcharge fees

- ☒ Surcharge set forth in Section 1.492(e), for accepting the
declaration later than 20 months after the priority date in filing an application in the
U.S. as a designated office-- \$130.00; small entity--\$65.00 \$ 65.00

NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

3.

- ☐ Processing fee set forth in Section 1.492(f), for acceptance
of an English translation later than 20 months after
the priority date--\$130.00 \$ _____

Total fees \$65.00

SMALL ENTITY STATUS

V. A statement that this filing is by a small entity

NOTE: See 37 C.F.R. Section 1.28(a).

(check and complete applicable items)

- a. ☐ is attached.
was filed on _____ (original).
- b. ☐ A separate refund request accompanies this paper.

EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI.

The proceedings herein are for a patent application. The provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked out below:

| <u>Extension (months)</u> | <u>Fee for other than small entity</u> | <u>Fee for small entity</u> |
|---|--|---------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 390.00 | \$195.00 |
| <input type="checkbox"/> three months | \$ 890.00 | \$445.00 |
| <input type="checkbox"/> four months | \$1,390.00 | \$695.00 |

Fee \$ 55.00

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____
or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VII. The total fee due is:

| | |
|------------------------|-------------------------|
| Completion fee(s) | \$ <u>65.00</u> |
| Extension fee (if any) | \$ <u>55.00</u> |
| TOTAL FEE DUE | \$ <u>120.00</u> |

PAYMENT OF FEES

VIII.

☐ Enclosed is a check in the amount of \$ _____.

☒ Charge Account No. **18-0013** in the amount of **\$120.00**

A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).

AUTHORIZATION TO CHARGE ADDITIONAL FEES

IX.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No.18-0013

☒ 37 C.F.R. Sections 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)

☒ 37 C.F.R. Section 1.492(b) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. Section 1.17 (application processing fees)

☒ 37 C.F.R. Section 1.17(a)(1)-(5)(extension fees pursuant to Section 1.136(a).

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US)

01/24/2002 HNGUYEN 00000131 160013 09913425

under 35 U.S.C. Section 371--page 5 of 6)

01 02:25
01 07:55

55.00 CH
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WARNING: While 37 C.F.R. Section 1.17(a), (b), (c) and (d) deal with extensions of time under Section 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. Section 1.136(a) is to no avail unless a quest or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

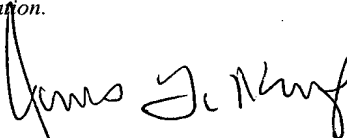
[] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311 (b)).

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b).

NOTE: 37 C.F.R. Section 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. Section 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

[] 37 C.F.R. Section 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

WARNING: It is suggested that you always check this last authorization.



SIGNATURE OF PRACTITIONER

James F. Kamp, Esq.

Christopher Voci, Esq.

(type or print name of practitioner)

Reg. No.: 41,882

Reg. No.: 45,184

Tel. No.: (248)594-0600

Customer No.: 010291

Rader, Fishman & Grauer PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304